

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

CHRISTIE M. PARROTT,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

Case No. CIV-09-002-RAW

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**ORDER REMANDING CASE FOR FURTHER PROCEEDINGS**

On March 23, 2009, the Commissioner filed an Agreed Motion to Remand Pursuant to Sentence Six of the Social Security Act, 42 U.S.C. § 405(g) [Docket No. 13]. The Commissioner asks that the court remand this case to the Social Security Administration for further administrative action pursuant to the sixth sentence of 42 U.S.C. § 405(g). The Commissioner states that despite a diligent search, the Agency has not been able to locate pertinent exhibits considered by the Administrative Law Judge in making his decision, and therefore the Commissioner is unable to produce a complete certified administrative transcript. Plaintiff has no objection to the granting of the motion.

A sentence-four remand is a remand after passing on the merits; a sentence-six remand does not involve a passing on the merits, but is a remand either on a motion by the Commissioner before an Answer is filed for good cause shown or at any time to take account of new evidence if good cause is shown for the failure to incorporate that evidence in the prior proceeding. See Tower v. Barnhart, 89 Fed.Appx. 186, 187 (10th Cir. 2004). The Commissioner has not yet filed an Answer and has shown good cause for the requested sentence-six remand.


Accordingly, the motion [Docket No. 13] is hereby **GRANTED**. This action is hereby

**REMANDED** for further administrative action pursuant to the sixth sentence of 42 U.S.C.

§405(g). When entering a sentence-six remand, the district court does not enter a final judgment because the district court retains jurisdiction. See Krishnan v. Barnhart, 328 F.3d 685, 691 (D.C. Cir. 2003). The court, therefore, **ORDERS** the Commissioner to exercise all due diligence to expeditiously locate the missing exhibits and produce a complete certified administrative transcript so that this case may be resolved.

IT IS SO ORDERED this 31st day of March, 2009.

**Dated this 31<sup>st</sup> Day of March 2009.**

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma

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